



U.S. Department of Justice

Antitrust Division

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June 28, 2019

VIA ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 13-cv-7789 (LGS); *NYPL, et al. v. JPMorgan Chase & Co., et al.*, 15-cv-9300 (LGS); *Contant, et al. v. Bank of America Corporation, et al.*, No. 17-cv-3139 (LGS); *Allianz, et al. v. Bank of America Corporation, et al.*, No. 18-cv-10364 (LGS)

Dear Judge Schofield:

Pursuant to the Court's April 1, 2019 Order (13-cv-7789, Dkt. No. 1283), the United States Department of Justice, through the Antitrust Division and the Fraud Section of the Criminal Division ("the Department"), respectfully requests a three-month extension of the limited discovery stay of certain depositions and interviews in the above-referenced matters. The Department submits that the stay is necessary given the upcoming trial and appeal in two FX-related cases:

- *United States v. Aiyer*, 18-cr-333, is set for trial before Judge Koeltl of the Southern District of New York on October 21, 2019.
- *United States v. Johnson*, 18-1503-cr, is on appeal to the Second Circuit. The case is fully briefed and was argued on May 31, 2019.

As before, the Department would continue to consider one-off requests for depositions of individuals who are covered by the terms of the stay. The Department has approved such requests by the *In re Foreign Exchange* and the *NYPL* Plaintiffs in the past. In addition, since the last extension request, the Department considered a longer list of individuals sent by Class Plaintiffs and consented to depositions of many of them.

The Department submits that the scope of the stay appropriately balances the need to protect the integrity of ongoing cases with Plaintiffs' desire for testimonial discovery at this juncture of the civil cases.

Plaintiffs in the *In re Foreign Exchange* case (13-cv-7789), the *Contant* case (17-cv-3139), and the *Allianz* case (18-cv-10364) consent to the Department's request, as do all Defendants except Credit Suisse, which takes no position. Plaintiffs in the *NYPL* matter (15-cv-9300) oppose the Department's request.

Respectfully submitted,

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cc: All counsel (via ECF)